

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RUTILIO MENJIVAR MENJIVAR,

Petitioner,

v.

Case No. 09-13617

Hon. Lawrence P. Zatkoff

JANET NAPOLITANO, Secretary, Department of
Homeland Security; JOHN MORTON, Director,
Immigration and Customs Enforcement; and
REBECCA ADDUCCI, Acting Director, Detroit
Immigration and Customs Enforcement,

Respondents.

ORDER TO SHOW CAUSE

Petitioner, a native of El Salvador, filed a “Motion for Habeas Corpus and Emergency Stay of Removal” in which he requests that the Court stay his removal pending adjudication of his motion, and that the Court grant the writ, thereby enjoining Defendants from requiring weekly check-ins and deporting him.¹ Plaintiff maintains that, as a native of El Salvador, he enjoys temporary protected status and cannot be removed. *See* 8 U.S.C. § 1254a.

The Court has carefully reviewed Petitioner’s petition, and it is not satisfied that it possesses jurisdiction over the petition. In sum, it appears that Petitioner requests a stay of his removal order via a petition for habeas corpus. If true, the Court lacks jurisdiction to entertain that claim. *See Jusufi v. Chertoff*, No. 07-15450, 2007 WL 4591760, at *2 (E.D. Mich. Dec. 28, 2007); *Bonilla v.*

¹In his petition, Petitioner alleges that Defendants had requested his removal by Friday, September 18, 2009. Petitioner’s counsel has since advised the Court that Defendants have withdrawn that demand and are currently requiring that Petitioner check-in once a week, which Petitioner contends is a great burden, due to excessive travel time that may result in the loss of his employment.

U.S. Dep't of Homeland Sec., Dist. Dir., No. 03 C 2077, 2003 WL 1860517, at *2 (N.D. Ill. Apr. 9, 2003).

Moreover, Petitioner has presented no evidence that he possesses temporary protected status. Rather, from the pleadings, the Court can only ascertain that El Salvador is a designated state whose nationals can apply for temporary protected status. Whether Petitioner applied for, and was granted, temporary protected status remains unknown.

Accordingly, it is HEREBY ORDERED that Petitioner SHOW CAUSE, in writing, no later than 5 p.m. on Friday, October 16, 2009, as to why the Court has jurisdiction to adjudicate this petition. Along with his response, Petitioner shall include documentation that he has applied for, and was granted, temporary protected status. Failure to comply with this order may result in the dismissal of the case and/or the imposition of sanctions. Petitioner's response shall contain specific and accurate legal support, including pinpoint citations to authority relied on and shall be limited to ten pages and comply with E.D. Mich. L.R. 5.1. Additionally, Petitioner shall fax his response to Judge Zatkoff's Chambers in Port Huron, at 810-984-1480.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: October 2, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on October 2, 2009.

S/Marie E. Verlinde

Case Manager
(810) 984-3290